

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
March 10, 2015
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, and Richard Lintz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Alderman Winings moved to approve the February 24, 2015 minutes. Alderman Garnholz seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

MOTION TO APPOINT JOSEPH R. DULLE AS MUNICIPAL JUDGE

City Manager Owens reported that due to the recent resignation of Peter Krane, the City's Municipal Judge, a Request for Qualifications was published on January 14, 17, 21, and 30, 2015, in the *Missouri Lawyers' Media* publication. The City received three responsive applications. Mayor Sanger and Alderman Garnholz conducted individual interviews and unanimously recommend Joseph R. Dulle to be considered for appointment as the Municipal Judge.

Mr. Dulle has served as the City's provisional judge since May 2014 and has recently served as substitute municipal judge during the vacancy.

Section 2 of Article VI of the Clayton City Charter provides that when a vacancy occurs in the office of municipal judge the Board of Aldermen is to appoint an eligible individual for the unexpired term. Thus, the term of this appointment would run through June 30, 2015 - the unexpired portion of Judge Krane's term.

This position receives compensation of \$600 per court session or approximately \$1,800 per month.

Recommendation is to consider the appointment of Joseph R. Dulle as Municipal Judge.

Mr. Dulle addressed the Board providing a brief background stating that he has been a member of the Bar Association since 1988, his practices has mainly been civil litigation, resident of Clayton since 1999, and has four children.

Mayor Sanger commented that in interviewing several candidates for municipal judge he and Alderman Garnholz found Mr. Dulle to be an excellent selection.

Alderman Garnholz commented that Mr. Dulle is an outstanding candidate adding that Mr. Dulle has been serving as the City's provisional judge and has been doing a great job.

Alderman Harris moved to approve the appointment of Joseph Dulle as the municipal judge. Alderman Garnholz seconded.

The motion was approved unanimously on a voice vote.

Mayor Sanger reminded everyone the appointment is for the unexpired term for the previous municipal judge, which runs through June 30, 2015.

MOTION TO APPOINT A PROVISIONAL MUNICIPAL JUDGE

City Manager Owens reported that a provisional judge substitutes at Municipal Court when the Municipal Judge is absent. Matthew D. Fry, 7430 Wydown Boulevard, Ward 2, has been nominated. Recommendation is to consider the appointment.

Alderman Harris moved to approve the appointment of Matthew Fry as a provisional municipal judge. Alderman Garnholz seconded.

The motion was approved unanimously on a voice vote.

SWEARING IN CEREMONY OF JOSEPH R. DULLE AS THE CITY OF CLAYTON'S MUNICIPAL JUDGE

FY2015 FIRST QUARTER FINANCIAL REPORT

Janet Watson gave a brief summary on the FY2015 Financial Report that was previously provided to the Board. She reminded the Board that the FY2015 year began with a balanced budget and then the City experienced some significant costs related to the safe demonstrations. She stated that due to this unexpected expense it is projected to end the year with a deficit of approximately \$466,000. She noted that the City ended its FY2014 better than had been projected.

In response to Alderman Boulton's question, Ms. Watson stated that the fund balance does include the new sales (Fire) tax of 4.9% when the budget was approved.

In response to Alderman Berger's question regarding the General Fund (GF) numbers on pages 12 and 14, Ms. Watson explained that the differences in the numbers are "transfers in" and "transfers out." In the GF the only transfers that come in are related to Equipment Replacement (Capital Project - \$25,000+) of which for those items the money comes into the GF. The second item is for 2015, the Special Business District (SBD), instead of charging expenditures directly to the SBD we've created an Economic Development and Event Program areas and about \$362,000 is transferred into the GF to support those two areas. Therefore, it is a difference for 2015 compared to 2014; neither transfers nor expenditures were made in 2014.

Alderman Berger stated that the summary shows the City is projected to the end of the year with a deficit of \$466,000 and asked if there is a percentage that would be associated with the activities of the staff around safe demonstration?

Ms. Watson stated that the addition for safe demonstrations approved previously as a budget amendment was approximately \$480,000.

In response to Alderman Lintz's question, Ms. Watson stated that the \$480,000 is in the GF and related to overtime and rental/purchase of small equipment.

Mayor Sanger pointed out on the report (page 12) it shows a \$90,000 surplus and without the safe demonstration we would have been well over a \$500,000 surplus. The anticipation as the year goes on is that expenses will continue versus the revenue. He recommends that the Board have a discussion about the issue later and commented that he would like to end the year with a balanced budget.

Alderman Boulton commented that the Board could consider using the reserves that the City has due to the special circumstances.

Alderman Winings' noted that he views \$618, 754, an increase of \$30,000 from the previous year, as a good measure which shows how much life and activity is going on in Clayton, which is one of the City's goals. He asked if this is measured in actual "point of sales" or measured as a shared amount for Clayton.

Ms. Watson explained that one sales tax is a "point of sale", but the other sales tax reflects the activity and what is shared throughout St. Louis County, noting that there is about a two month delay in posting as a payment to the City with the first payment received in December.

In response to Mayor Sanger's question regarding the automobile sales tax, Ms. Watson stated that the State provided numbers to all cities which was done in a formulaic manner and may not reflect exactly for the City. At the time it was determined to be about \$120,000 and does not include vehicles purchased outside of the State. City Manager Owens added that this will not "kick-in" until 2017. City Attorney O'Keefe also added that the legislation is looking into it again.

ORDINANCE TO CONSIDER APPROVING A MODIFICATION TO THE MUNICIPAL TRAFFIC CODE RELATED TO ON-STREET PARKING ON ABERDEEN PLACE

City Manager Owens reported that the City was requested to survey the residents along Aberdeen Place to determine if they desired tighter restrictions over non-residents parking in their neighborhood. The initial survey results from the residents along Aberdeen Place between Dartford Avenue and University Lane for a trial permit parking regulation was ten "In Favor" with two having "No Opinion". Therefore, the Public Works Department began a trial permit parking regulation in April, 2013.

Since that time, on-street parking has been restricted to: one-hour residential parking between 8:00 a.m. and 9:00 p.m., Monday through Friday, between University Lane and the property lines of 97 and 94 Aberdeen Place. The trial period has ended, and the residents were resurveyed during February, 2015. The results of the second survey are 14 "In Favor" of keeping the restrictions, 1 "Opposed", and two with "No Opinion".

Passage of this ordinance is necessary to codify the existing on-street parking restrictions posted on the east end of Aberdeen Place.

Recommendation is to approve the ordinance codifying the existing on-street parking restrictions posted on the east end of Aberdeen Place.

In response to Alderman Boulton's question, Dale Houdeshell stated that the change will match up to the other side of Aberdeen.

In response to Alderman Lintz's question, Dale Houdeshell stated that this is only happening on Aberdeen.

Alderman Harris introduced Bill No. 6484, an ordinance to consider approval of a modification for the Aberdeen Place residential parking, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O’Keefe reads Bill No. 6484, An Ordinance Approving Changes to the Traffic Code to Codify Existing On-Street Parking Restrictions on Aberdeen Place for the first time by title only.

The motion passed unanimously on a voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6484 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6484, an ordinance to consider approval of a modification for the Aberdeen Place residential parking, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O’Keefe reads Bill No. 6484, An Ordinance Approving Changes to the Traffic Code to Codify Existing On-Street Parking Restrictions on Aberdeen Place, for the second time by title only.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6358 of the City of Clayton.

RESOLUTION TO CONSIDER SUPPORTING EARTH HOUR 2015 ON MARCH 28TH

City Manager Owens reported that the World Wildlife Fund is asking individuals, businesses, governments and organizations around the world to turn off their lights for one hour on Saturday, March 28, 2015, at 8:30 p.m. local time – Earth Hour – to make a global statement of concern about climate change and to demonstrate commitment to finding solutions. The Mayor and Board of Alderman previously voted the last several years to join several U.S. cities for action with their light switch by committing to go dark for a similar one-hour period in prior years. Recommendation is to approve the resolution.

Alderman Winings stated that he will be voting no on the resolution because he is pro electricity.

Alderman Harris moved to approve Res. No. 15-04, to designate/support Earth Hour, March 28, 2015, 8:30 pm. Alderman Garnholz seconded.

In response to Alderman Lintz’s question, City Manager Owens stated that on Saturday the City does not have a lot of offices open, but there are security issues therefore keeping some lights on. Anything that is for an operational necessity will remain on, but will participate otherwise in terms of unoccupied offices.

The motion passed on a six (6) – Aye to one (1) – Nay (Winings) vote.

Other

Alderman Harris reflected on the loss of Thomas Schwiech, a good neighbor, a fine public servant, and recognizes the importance of respectful interchange among public servants and elected people.

Alderman Garnholz reported on the Parks and Recreation Commission:

- There will be a change in the Newman Green (circle in front of high school); there is a new concrete walk that leads towards the Board of Education Administration Building and the adjacent parking lot. The area will be irrigated and will be in place by the end of the school summer, the School District will pay the water bill.
- The Clayton Century Foundation (CCF) is working on a development agreement with the donor for the improvements for the north end of Shaw Park.

- The Hanley House events during December 2014 were very popular and well attended.

Alderman Boulton reported on the Sustainability Committee:

- The Committee will be reviewing Green Globe with regard to the certification similarities as compared to LEED.
- Dale Houdeshell shared news regarding a grant received to place recycling containers in Shaw Park.

Alderman Berger commented regarding Alderman Garnholz's report on CCF and the development of the overlay project. He said that there is some consternation within Ward 3 about that location (north end of Shaw Park). He said that the upcoming *CityViews* mentions that there will be an opportunity for significant public input and feels that this would be a great opportunity for the Board to have a good process of participation before it moves forward to be final.

Alderman Garnholz added that the Parks and Recreation Commission also had a lengthy and lively discussion about the ice rink. She noted that there was no consensus, nor a vote on the subject.

In response to Mayor Sanger's question, Patty DeForrest stated that she will provide an overall summary to the Board on Friday.

City Manager Owens reported that staff has been in discussions on the financial impact of the safe demonstrations. There was a meeting today on the After-Action Report that involved all of the inter-agency partners, a lot of lessons learned, but the staff is very proud of the City's response.

Mayor Sanger mentioned that a senator is lobbying to get monies from the federal government for reimbursement of expenditures related to the safe demonstrations.

City Manager Owens stated that staff has completed all of the forms and will be ready to submit when those monies become available.

Mayor Sanger reminded the Board of upcoming events:

- Women's Business Leaders' event, Wednesday, March 11th, 5:00 p.m. at The Avenue
- Candidate Forum, Monday, March 23rd, 7:00 p.m. at Clayton High School

Mayor Sanger welcomed Mr. Jay Collier in the audience. City Attorney O'Keefe explained that Mr. Collier is a student who is shadowing members of his firm.

There being no further regular business the meeting was adjourned at 7:35 p.m.

Mayor

ATTEST:

City Clerk